

§ 165.T07-200

vessel may enter the regulated area unless specifically authorized by the Captain of the Port San Juan (COTP) or a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (156.8 Mhz). The Captain of the Port San Juan can be reached on VHF Marine Band Radio, Channel 16 (156.8 Mhz) or by calling (787) 289-2040, 24 hours a day, 7 days a week. The HOVENSA Facility Port Captain can be reached on VHF Marine Band Radio channel 11 (156.6 Mhz) or by calling (340) 692-3488, 24 hours a day, 7 days a week.

[COTP San Juan-04-044, 69 FR 29234, May 21, 2004]

EFFECTIVE DATE NOTE: By COTP San Juan-04-044, 69 FR 29234, May 21, 2004, § 165.T07-101 was added, effective from Apr. 16, 2004, until Oct. 16, 2004.

§ 165.T07-200 San Carlos Bay, Florida—Regulated Navigation Area.

(a) *Location.* The following area is a regulated navigation area (RNA): the waters bounded by the following points:

NW Corner: 26° 28.992N, 082° 00.895 W;

NE Corner: 26° 28.998N, 082° 00.874 W;

SW Corner: 26° 28.942N, 082° 00.875 W;

SE Corner: 26° 28.948N, 082° 00.854 W.

(b) *Regulations.* (1) A vessel in the RNA established under paragraph (a) of this section will operate at no wake speed. Nothing in this rule is to be construed as to negate the requirement to at all times operate at a safe speed as provided in the Navigation Rules and Regulations.

(2) A one-way traffic scheme is established. Vessel traffic may proceed in one direction at a time through the RNA. Overtaking is prohibited.

(3) Stern tows are not authorized. Side tows may be used. However, tugs with barges must be arranged in a push-ahead configuration with the barges made up in tandem. Tugs must be of adequate horsepower to maneuver the barges. Tug and barge traffic may transit the RNA at slack water only.

(c) *Definition.* The following definitions apply to this section:

33 CFR Ch. I (7-1-04 Edition)

Vessel. Every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on the water.

Overtaking. A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the stern light of the vessel but neither of her sidelights.

Slack water. The state of a tidal current when its speed is near zero, especially the moment when a reversing current changes direction and its speed is zero. The term also is applied to the entire period of low speed near the time of turning of the current when it is too weak to be of any practical importance in navigation.

(d) *Enforcement.* Persons in violation of these regulations will be subject to civil penalty under 33 U.S.C. 1232 of this part, to include a maximum civil penalty of \$27,500 per violation.

(e) *Effective period.* This section is effective from 12:01 a.m. on November 29, 2003, until 11:59 p.m. on November 28, 2004.

[CGD07-03-200, 68 FR 68520, Dec. 9, 2003]

EFFECTIVE DATE NOTE: By CGD07-03-200, 68 FR 68520, Dec. 9, 2003, § 165.T07-200 was added, effective Nov. 29, 2003 to Nov. 28, 2004.

§ 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are a security zone—The perimeter of the Cape Canaveral Barge Canal and the Banana River at 28°24'33" N., 80°39'48" W.; then due west along the northern shoreline of the barge canal for 1,300 yards; then due north to 28°28'42" N., 80°40'30" W., on Merritt Island. From this position, the line proceeds irregularly to the eastern shoreline of the Indian River to a position 1,300 yards south of the NASA Causeway at 28°30'54" N., 80°43'42" W. (the line from the barge canal to the eastern shoreline of the Indian River is marked by a three-strand barbed-wire fence), then north along the shoreline of the Indian River to the NASA Causeway at